THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No.26627 of 2006

Date: 06-11-2007

Between:

The Depot Manager, APSRTC,
Srikalahasti Depot, Srikalahasti,
Chittoor District. … Petitioner

And

1. P.Ramamurthy Reddy
and another … Respondents

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O R D E R:

Assailing the award dated 17.3.2006 passed in I.D.No.234 of 2004 by the Labour Court, Anantapur, the petitioner-Corporation filed the present writ petition.

2. The first respondent-workman was appointed as casual/daily wage driver in the petitioner-corporation in the year 1997. He was removed from service on the ground that he had produced a fake driving licence at the time of his appointment as a driver in the service of the petitioner-corporation. Aggrieved by the same, the first respondent-workman raised an industrial dispute in I.D.No.234 of 2004 under Section 2(A)(2) of the Industrial Disputes Act, 1947.

3. The Labour Court having found that before issuing the removal orders, no opportunity was given to the petitioner and no departmental enquiry was conducted and having regard to the fact that the petitioner-corporation has not extended the benefit of Circular dated 31.8.2000 where under similarly placed persons were reinstated on production of new driving licence or fresh driving licence, has set aside the order of termination of the first respondent-workman and ordered has reinstatement with continuity of service, attendant benefits but, without back wages and also further directed

that at the time of reinstatement into service the first respondent-workman shall produce a valid driving licence before the concerned petitioner-corporation, if not already produced for which purpose the petitioner-corporation shall grant sufficient time. Aggrieved by the said orders, the present writ petition is filed.

4. The main contention of the learned Standing Counsel for the petitioner-corporation is that the Labour Court failed to see that since the first respondent-workman is a casual employee and he is not a regular employee of the petitioner-corporation and since the appointment of the first respondent-workman is subject to verification and genuineness of driving licence, the question of conducting domestic enquiry does not arise. On the other hand, learned counsel for the first respondent-workman submits that the petitioner-corporation has issued a Circular dated 31.8.2000 admitting to reinstate the drivers whose services were terminated on the ground of production of non-genuine driving licence and on such production of valid driving licence or fresh licence as the case may be. He further submits that based on the said circular, the petitioner-corporation has given opportunity to the drivers who have submitted non-genuine driving licence, to produce the genuine driving licence and on submitting genuine driving licence, the said drivers were given reinstatement orders which was the subject matter of the writ petition before this court in W.P.No.22906 of 2006.

5. This court while relying on the orders passed in W.P.No.22102 of 2006 and batch dated 27.12.2006 allowed the writ petition No.22906 of 2006 by modifying the award to that of reinstatement of the respondent-workman therein into service as driver itself by extending the benefits of Circular dated

31.8.2000. The order passed by this court in W.P.No.22102 of 2006 and batch dated 27.12.2006 reads thus:

> "Having regard to the fact that similarly placed persons were directed to be reinstated as Drivers afresh by extending the benefits of Circular dated 31.8.2000, and having regard to the agreed stand taken by the counsel, I deem it appropriate to dispose of the writ petitions with the following modification.
>
> The impugned awards of the Labour Court, which directed reinstatement of the respondents-workmen into service with continuity of service is modified to that of reinstatement of the respondents-workmen into service as Drivers afresh by extending the benefits of Circular, dated 31.8.2000. The petitioners-Corporation is directed to appoint the respondents-workmen as drivers afresh by extending the benefits of Circular dated 31.8.2000 for the purpose of calculating the period of three years valid driving licence. The petitioner-Corporation shall take into consideration the period of service rendered by the respondents-workmen previously for the purpose of calculating three years period of valid driving licence".

6. In that view of the matter, the learned counsel for the first respondent-workman submits that this writ petition also may be disposed of in accordance with the orders passed in W.P.No.22102 of 2006 and batch, for which, the learned Standing Counsel for the petitioner-corporation has expressed no objection.

7. In the circumstances, the writ petition is allowed. The impugned

award is modified to that of reinstatement of the first respondent-workman into service as driver afresh by extending the benefits of Circular dated 31.8.2000. The petitioner-corporation is directed to appoint the first respondent-workman as driver afresh and extend the benefits of Circular dated 31.8.2000 for the purpose of calculating, for a period of three years valid driving licence by taking into consideration the period of service rendered by him previously. No costs.

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N.V.RAMANA,

J.

06th November, 2007.

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